UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

RUTH ANN COOPER, D.P.M., individually and as the representative of a class of	: : CIVIL ACTION NO. 18-11987 (JLL)	
similarly-situated persons,	ORDER	
Plaintiff,	:	
v.		
MEDIMETRIKS PHARMACEUTICALS, INC	; ,:	

Defendant.

For the reasons set forth in the Court's accompanying opinion, IT IS on this day of March, 2019, ORDERED that the defendant's motion to dismiss the amended complaint (ECF No. 13) is resolved as follows:

GRANTED TO THE EXTENT that the motion addresses: (1) the claims brought under the Junk Fax Prevention Act that concern solicited faxes lacking an opt-out notice and the claims for attorney fees related to those claims, and (2) the claims brought under the New Jersey Junk Fax Act and the claims for attorney fees related to those claims; and

DENIED TO THE EXTENT that the motion addresses the claims brought under the Junk Fax Prevention Act that concern unsolicited faxes and the claims for attorney fees related to those claims; and

ADMINISTRATIVELY TERMINATED TO THE EXTENT that the

motion addresses the claims brought under the New Jersey Consumer Fraud Act and the

claims for attorney fees related to those claims; and it is further

ORDERED that the claims brought under the Junk Fax Prevention Act that concern

solicited faxes lacking an opt-out notice and the claims for any attorney fees related to

those claims, and the claims brought under the New Jersey Junk Fax Act and the claims for

attorney fees related to those claims, are DISMISSED WITHOUT PREJUDICE; and it

is further

ORDERED that claims brought under the New Jersey Consumer Fraud Act and the

claims for attorney fees related to those claims are DISMISSED AS WITHDRAWN; and

it is further

ORDERED that the claims brought under the Junk Fax Prevention Act that concern

unsolicited faxes lacking an opt-out notice and the claims for attorney fees related to those

claims REMAIN VIABLE.

JOSE L. LINARES

Chief Judge, United States District Court

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